

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

<b>(1) DAWN BARNES,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>No. CIV-15-25-C</b>
	)	
<b>(1) STATE FARM MUTUAL</b>	)	
<b>AUTOMOBILE INSURANCE</b>	)	
<b>COMPANY, a foreign insurance</b>	)	
<b>company,</b>	)	
	)	
<b>Defendant.</b>	)	

**NOTICE OF REMOVAL**

The Petitioner, State Farm Mutual Automobile Insurance Company, Defendant in the above-captioned case, states the following:

1. The above-entitled cause was commenced in the District Court of Oklahoma County, entitled *Dawn Barnes v. State Farm Mutual Automobile Insurance Company*, Case No. CJ-2014-6364. Defendant was served Summons and Petition through service on the Oklahoma Insurance Commissioner by certified mail on December 26, 2014. (*See* Return of Service - Certificate of Service by Mail, Ex. 1). A copy of Plaintiff's Amended Petition setting forth her claims for relief upon which the action is based is attached hereto and marked Exhibit 2.

2. State Farm Mutual Automobile Insurance Company is incorporated in the State of Illinois where it has its principal place of business. Plaintiff is a citizen and resident of the State of Oklahoma, residing in Canadian County, Oklahoma. (*See* Amended Petition, p. 1, ¶ 2, Ex. 2). Plaintiff's cause of action is for declaratory judgment relating to the rights and liabilities of the parties under an automobile insurance policy. Plaintiff alleges the policy "affords \$100,000.00 in medical payments coverage." (*See* Amended Petition, p. 1, ¶ 6). The matter in controversy between

Plaintiff and Defendant, according to Plaintiff's demand, exceeds Seventy-Five Thousand and No/100ths Dollars (\$75,000.00), exclusive of interests and costs. *Id.*

3. This Court has original jurisdiction over this case pursuant to 28 U.S.C. § 1332 (1992), by reason of the fact that this is a civil action wherein the amount in controversy, according to Plaintiff's demands, exceeds Seventy-Five Thousand and No/100ths Dollars (\$75,000.00), exclusive of interest and costs and is between citizens of different states. Accordingly, this action may be removed by Defendant pursuant to 28 U.S.C. § 1441(a).

4. This Notice of Removal is filed in this Court within thirty (30) days after December 26, 2014, the date Defendant was served with a copy of Plaintiff's Amended Petition, which was the initial pleading received by State Farm setting forth the claims for relief upon which this action is based. (*See* Return of Service - Certificate of Service by Mail, Ex. 1).

5. Copies of all process and pleadings have been attached hereto as follows: Return of Service – Certificate of Service by Mail, Ex. 1; Amended Petition for Declaratory Judgment, Ex. 2., Petition for Declaratory Judgment, Ex. 3; and Summons, Ex. 4. Pursuant to LCvR81.2, a copy of the state court docket sheet is attached as Ex. 5.

**WHEREFORE**, Defendant, State Farm Mutual Automobile Insurance Company prays this action be removed.

Dated this 8<sup>th</sup> day of January, 2015.

Respectfully submitted,

**ATKINSON, HASKINS, NELLIS,  
BRITTINGHAM, GLADD & FIASCO**

A PROFESSIONAL CORPORATION

/s/ John S. Gladd

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**Certificate of Service**

I hereby certify that on January 8, 2015, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Bryan G. Garrett  
Gary C. Bachman  
Stephen D. Bachman  
Holloway Dobson & Bachman  
One Leadership Square, Suite 900  
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/s/ John S. Gladd